

Claims 24-26 have been added. Support for these additional claims is found in the specification and in all priority documents. For example, support for a buffer solution having a slightly alkaline pH and for storing the adenovirus composition at temperatures up to 20°C is found, for example, at page 3, line 24, to page 4, line 5. No new matter has been added.

**II. Rejections under 35 U.S.C. § 103(a)**

Claims 10-18 and 21-23 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. US 2002/0031527 to *Wu* ("*Wu*") in view of U.S. Patent No. 6,451,256 to *Sene* ("*Sene*"). (Office Action, pages 3-6.) Applicants traverse this rejection.

Applicants submit herewith a Declaration Under 37 C.F.R. § 1.131 of Francis Blanche that establishes that a reduction to practice of the claimed invention occurred prior to the November 16, 1998, priority date of the *Wu* patent application. As a result, *Wu* cannot be used as a reference under 35 U.S.C. § 103(a), as *Wu* was filed after the claimed invention was made. *M.P.E.P.* § 715.02. Thus, this rejection should be withdrawn.

Furthermore, Applicants submit that there is no evidence of record that the secondary reference, *Sene*, alone teaches or suggests the claimed invention. In addition, there is no evidence of record that indicates that one of ordinary skill in the art would have been motivated to modify *Sene* to devise the claimed invention.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of the pending claims.

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**SUMMARY**

Applicants submit that this application is in condition for allowance. An early and favorable action is earnestly solicited.

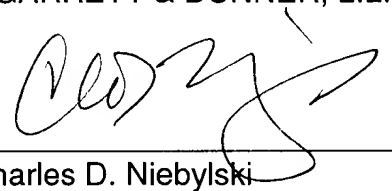
Please grant any extensions of time required to enter this amendment and response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: April 2, 2003

By: \_\_\_\_\_

  
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**APPENDIX**  
**AMENDMENTS SHOWN**

**IN THE SPECIFICATION:**

Please replace the paragraph starting at page 1, line 1, with the following amended paragraph:

--This application is a continuation application of PCT application FR00/00879 filed on April 7, 2000, **and published under PCT Article 21(2) in French**, and claims benefit of priority of U.S. provisional application 60/132,120, filed April 30, 1999, and French application 99/04443, filed April 9, 1999. --

**IN THE CLAIMS:**

Please amend claims 10, 12, 13, and 21 as follows:

10. (Amended Once) A composition comprising adenoviral particles, a buffer solution that maintains the pH of said composition between 8.0 and 9.6, and glycerol, wherein said **buffer solution [composition]** does not contain added divalent metal cations or alkali metal cations.

21. (Amended Once) A method of preserving adenoviruses in a composition comprising:

preparing a purified sample of adenoviral particles; and

combining said purified sample of adenoviral particles with glycerol and a buffer solution that maintains the pH of the resulting composition between 8.0 and 9.6,

wherein said buffer solution [composition] does not contain added divalent metal cations or alkali metal cations.

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